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9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

13 In re:

14 PG&E CORPORATION,

15 - and -

16 PACIFIC GAS AND ELECTRIC
17 COMPANY

18 Debtors.

Case No. 19 - 30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

**STIPULATION BY AND AMONG THE
DEBTORS, THE UNITED STATES OF
AMERICA, CERTAIN CALIFORNIA
STATE AGENCIES AND THE
ADVENTIST CLAIMANTS RE:
DESIGNATION OF CLAIMS AS
UNLIQUIDATED AND SUBJECT TO
ESTIMATION UNDER SECTION 502(c)
OF THE BANKRUPTCY CODE [DE #
4553]**

- 23 ☐ Affects PG&E Corporation
24 ☐ Affects Pacific Gas and Electric
25 ☒ Affects both Debtors

26 ** All papers shall be filed in the Lead Case,
27 No. 19-30088 (DM).*

Hearing Date and Time:

Date: December 17, 2019

Time: 10:00 a.m. (Pacific Time)

Place: Courtroom 17

450 Golden Gate Ave., 16th Floor
San Francisco, CA 94102

1 TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY JUDGE:

2 PLEASE TAKE NOTICE that PG&E Corporation and Pacific Gas and Electric Company,
3 as debtors and debtors in possession (collectively, the “Debtors”), Creditors Adventist Health
4 System/West and Feather River Hospital d/b/a Adventist Health Feather River, each a California
5 religious non-profit corporation (together, the “Adventist Health Claimants”), the United States of
6 America, on behalf of various federal agencies (collectively, the “United States Agencies”), and
7 the California Department of Forestry and Fire Protection, California Department of Toxic
8 Substances Control, California Governor’s Office of Emergency Services, California Department
9 of Veterans Affairs, California State University, Chico, California Department of Parks and
10 Recreation, California Department of Transportation, California Department of Developmental
11 Services and California Department of Water Resources (collectively, the “California State
12 Agencies”), by and through their counsel of record, hereby request that this Court stay certain
13 deadlines and hearing dates as further set forth below. In support of such request, the parties hereto
14 respectfully represent as follows:

15 **RECITALS**

16 A. WHEREAS, on October 31, 2019, this Court entered its *Order Establishing Pre-*
17 *Confirmation Briefing and Hearing Schedule for Certain Legal Issues* [Dkt. # 4540] (the
18 “Scheduling Order”), which established, among other things, a briefing schedule and hearing date
19 regarding whether certain claims asserted against the Debtors by the United States Agencies, by
20 the California State Agencies and by the Adventist Claimants are unliquidated and thus subject to
21 estimation under section 502(c) of the Bankruptcy Code (the “Liquidated Claims Issues”). The
22 Scheduling Order established December 12, 2019, as the date by which the Adventist Claimants,
23 the United States Agencies and the California State Agencies may file their separate reply briefs
24 (collectively, the “Reply Briefs”), and December 17, 2019 at 10:00 a.m. as the date and time at
25 which the Court will hear oral argument on the Estimation Issues (the “Hearing on Liquidated
26 Claims Issues”).

27 B. WHEREAS, on December 9, 2019, the Debtors announced that they had entered
28 into a Restructuring Support Agreement with the Official Committee of Tort Claimants

1 (the “TCC”) and various other parties (the “TCC RSA”), which obligates the Debtors to, among
2 other things, file a motion seeking approval of the TCC RSA (the “TCC RSA Approval Motion”)
3 on shortened notice and obtain a stay of the estimation proceedings currently pending before the
4 U.S. District Court for the Northern District of California (the “District Court”).

5 C. WHEREAS, on December 9, 2019, the District Court issued a docket order stating
6 that, “[i]n light of the settlement motion, the case is stayed pending further order of the Court.”
7 [Dist. Ct. Dkt. # 265.]

8 D. WHEREAS, on December 9, 2019, the Debtors filed with this Court the TCC RSA
9 Approval Motion [Dkt. # 5038] and a supporting declaration [Dkt. # 5039].

10 E. WHEREAS, pending this Court’s consideration of the TCC RSA Approval Motion,
11 the parties have agreed to continue the deadline for submitting the Reply Briefs and the Hearing on
12 Liquidated Claims Issues, all as further set forth below.

13 **STIPULATION**

14 NOW, THEREFORE, and subject to the approval of this Court, the Debtors, the Adventist
15 Health Claimants, the United States Agencies and the California State Agencies hereby agree as
16 follows:

17 1. The recitals set forth above are hereby incorporated by reference as though fully set
18 forth herein.

19 2. The Parties agree that the deadline for submission of the Reply Briefs and the
20 Hearing on Liquidated Claims Issues shall be, and hereby are, continued to such further dates which
21 may be ordered by this Court pursuant to Paragraph 3 below, assuming such dates become
22 necessary as indicated below.

23 3. In the event that (a) the estimation proceedings in the District Court are no longer
24 stayed, (b) the TCC RSA is not approved by this Court at the hearing therefor, (c) this Court
25 adjourns the hearing on the TCC RSA to a later date, or (d) the TCC RSA is terminated for any
26 reason whatsoever, then the parties shall, within seven (7) calendar days, meet and confer regarding
27 the manner in which the Hearing on Liquidated Claims Issues shall go forward, including the dates
28 on which the Reply Briefs may be filed and the Hearing on Liquidated Claims Issues shall take

1 place, and report to this Court concerning their agreements and/or respective positions concerning
2 these matters. Upon receipt of such a report, the Court will determine the new date on which the
3 Reply Briefs shall be filed and the new date and time at which the Hearing on Liquidated Claims
4 Issues shall take place.

5 4. Nothing in this Stipulation shall constitute consent by the Adventist Claimants, the
6 United States Agencies, or the California State Agencies to the TCC RSA Approval Motion, or a
7 waiver of any of their rights with respect thereto, including filing any response to the TCC RSA
8 Approval Motion.

9 Dated: December 11, 2019

RESPECTFULLY SUBMITTED:

10 REBECCA J. WINTHROP
11 ROBIN BALL
12 NORTON ROSE FULBRIGHT US LLP

13 By: /s/ Rebecca J. Winthrop
14 REBECCA J. WINTHROP
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1 Dated: December 11, 2019

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11 Parks and Recreation, California
Department of Transportation, California
12 Department of Developmental Services
and California Department of Water
13 Resources

14 Dated: December 11, 2019

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17 By: /s/ Paul H. Zumbro
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19 Dated: December 11, 2019

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